



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/941,459 09/30/97 MORIKAWA

T 05058/58201

EXAMINER

LM31/1110

SIDLEY & AUSTIN
717 NORTH HARWOOD
SUITE 3400
DALLAS TX 75201-6507

POKRZYWA, J

ART UNIT

PAPER NUMBER

2722

DATE MAILED:

11/10/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Advisory Action

Application No.

08/941,459

Applicant(s)

Morikawa, Takeshi

Examiner

Joseph Pokrzywa

Group Art Unit

2722

THE PERIOD FOR RESPONSE: [check only a) or b)]

- a) ☒ expires 6 months from the mailing date of the final rejection.
- b) ☐ expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

- ☐ Appellant's Brief is due two months from the date of the Notice of Appeal filed on _____ (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

Applicant's response to the final rejection, filed on Oct 22, 1999 has been considered with the following effect, but is NOT deemed to place the application in condition for allowance:

- ☒ The proposed amendment(s):

- ☒ will be entered upon filing of a Notice of Appeal and an Appeal Brief.
- ☐ will not be entered because:
- ☐ they raise new issues that would require further consideration and/or search. (See note below).
 - ☐ they raise the issue of new matter. (See note below).
 - ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
 - ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: _____

- ☐ Applicant's response has overcome the following rejection(s): _____

- ☐ Newly proposed or amended claims _____ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.
- ☐ The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____
- ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
- ☒ For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):
- Claims allowed: None
- Claims objected to: 14-16 and 24-26
- Claims rejected: 4-6, 13, 23, and 27-30
- ☐ The proposed drawing correction filed on _____ ☐ has ☐ has not been approved by the Examiner.
- ☐ Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Other

Art Unit: 2722

DETAILED ACTION

Advisory Action

1. The period for response continues to run SIX MONTHS from the date of the final rejection. Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a) accompanied by the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee.

Response to Amendment

2. The amendment filed 10/22/99 under 37 CFR 1.116 in response to the final rejection will be entered upon the filing of an appeal, but is not deemed to place the application in condition for allowance. Upon the filing of an appeal and entry of the amendment, the status of the claims would be as follows:

Allowed claim(s): None

Rejected claim(s): 4 through 6, 13, 23, and 27 through 30

Claim(s) objected to: 14 through 16, and 24 through 26

3. See 37 CFR 1.193(a)(2) which provides for the inclusion of the proposed rejection(s) detailed below in the Examiner's Answer if applicant elects to file an appeal to the Board of Patent

Art Unit: 2722

Appeals and Interferences in this proceeding. To be complete, such rejection(s) must be addressed in any brief on appeal.

Upon appeal and entry of the amendment:

Claims 4 through 6, and 13 would be rejected for the reasons set forth in the rejection under 35 U.S.C. 102(e) as being anticipated by Ueda *et al.* (U.S. Patent Number 5,715,497) of the final Office action mailed 8/3/99.

Claims 4, 13, and 27 through 30 would be rejected for the reasons set forth in the rejection under 35 U.S.C. 103(a) as being unpatentable over Nishimori *et al.* (U.S. Patent Number 5,041,874) in view of Telle (U.S. Patent Number 5,555,099) of the final Office action mailed 8/3/99.

Claim 23 would be rejected for the reasons set forth in the rejection under 35 U.S.C. 103(a) as being unpatentable over Collard *et al.* (U.S. Patent Number 5,825,988) in view of Ueda *et al.* (U.S. Patent Number 5,715,497) of the final Office action mailed 8/3/99.

Art Unit: 2722

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Pokrzywa whose telephone number is (703) 305-0146. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles, can be reached on (703) 305-4712. The fax phone number for this Group is (703) 308-6606.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800/4700.


EDWARD L. COLES
SUPERVISORY PATENT EXAMINER
GROUP 2700

Joseph R. Pokrzywa

November 9, 1999